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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,121	06/25/2004	Seiichiro Udagawa	4724-0019WOUS	7905

35301 7590 02/23/2007
MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
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3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,121

Applicant(s)

UDAGAWA, SEIICHIRO

Examiner

Leonard J. Weinstein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/25/2004, 09/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Yajima 6,238,576. Yajima teaches all the limitations as substantially claimed for chemical liquid supply apparatus comprising: a pump 17 discharging a liquid accommodated in a liquid tank 46, a filter 41 connected to said pump 17 through a pump outlet flow path 53 to which a pump discharge-side valve V4 for opening/closing the flow path 53 is provided, a liquid discharge portion 50 connected to said filter 41 through a liquid discharge flow path, via 43, 17, 47, and 48, to which a discharge valve V1, as in figure 6B, for opening/closing the flow path 48 is provided, and a vacuum source 15a, as in figure 5A, communicating with said filter 41 through an exhaust flow path 51 to which a deaeration valve V2 for opening/closing the flow path 51 is provided; a control means 56 for closing said pump discharge-side valve V5 and a valve capable of being a discharge valve V1, as it returns liquid to element 46 as in figure 6B, opening said deaeration valve V2 under such a state that said vacuum source is operated 15a as in figure 5A; and an exhaust flow path 51 connected to a vent port 41c formed at said filter 41, or a primary or secondary side of said filter 41.

Further Yajima teaches a deaerating method of a chemical liquid supply apparatus having: a pump discharging a liquid accommodated in a liquid tank 46, a filter 41 connected to said pump 17 through a pump outlet flow path 53 to which a pump discharge-side valve V5 for

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opening/closing the flow path is provided, and a liquid discharge portion 50 connected to said filter 41 through a liquid discharge flow path, 43, 17, 47, 48, to which a discharge valve V1 for opening/closing the flow path is provided, and discharging the liquid in said liquid tank 46 from said liquid discharge portion, the deaerating method including: a deaerating process of, under such a state that a vacuum source 15a, as in figure 5A, connected to said filter 41 through an exhaust flow path 51 is operated, opening a deaeration valve V2 provided to said exhaust flow path 51 and closing said pump 17 discharge-side valve V5 and said valve capable of being a discharge valve V1, as in figure 6B, to exhaust a gas inside said filter 41 to said exhaust flow path 51, figure 5B (col. 9 ll. 9-20); and a deaerating method of a chemical liquid supply apparatus having a pump 17 discharging a liquid by communicating with the liquid accommodated in a liquid tank 46 through a liquid introduction flow path 47 to which a pump inlet-side valve V3 for opening/closing the flow path 47 is provided, a filter 41 connected to said pump 17 through a pump outlet flow path, 53 to which a pump discharge-side valve V5 for opening/closing the flow path is provided, a liquid dispense portion 50 connected to said filter 41 through a liquid discharge flow path, 47, 17, and 48, to which a discharge valve V1 for opening/closing the flow path 42 is provided, and dispensing the liquid in said liquid tank 46 from said liquid dispense and a deaerating method including: the step of performing a sucking operation of said pump 17 under such a state that a deaeration valve V2 provided to an exhaust flow path 51 communicating with an inlet side of said filter 41, said pump inlet-side valve V3, and valve capable of being a discharge valve V1, as in figure 6B, are closed and the pump discharge-side valve V5 is opened (col. 8 ll. 19-18 and 27-31, figure 4C); and the step of performing a discharging operation of said pump 17 under such a state that said deaeration valve V2 and said pump discharge-side valve V5 are opened and that said pump inlet-side valve

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V3 and said valve capable of being a discharge valve V1, as in figure 6B, are closed (col. 7 ll. 64-67, col. 8 ll. 1 and 4-6, figure 4B).


Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LJW

2/20/2007



**EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER**